



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,015	12/06/2006	Li Lin	IPE-1/US	1732
7590 09/03/2008				
Hugh R. Kress Browning Bushman P.C. 5718 Westheimer, Suite 1800 Houston, TX 77057				
EXAMINER				
NIQUETTE, ROBERT R				
ART UNIT		PAPER NUMBER		
3691				
MAIL DATE		DELIVERY MODE		
09/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/569,015

Applicant(s)

LIN, LI

Examiner

Robert R. Niquette

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 1,3 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2-21-2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

5 This action is in reply to the application filed on 12-6-2006.

Claims 1-14 are currently pending and have been examined.

10 *Priority*

Acknowledgment is made of applicant's claim for a domestic priority date of 8-19-2004. The certified copy has been filed in parent Application No. 10/569015.

15

Examiner's note: The examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the rest of the passage as taught by the prior art or disclosed by the Examiner.

20

Drawings

The drawings are objected to because Figure 1 requires text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 3, 7 and 11 are objected to because of the following informalities: They end with a semicolon. Claims 7 and 11 end with the word, "and." Independent claims should end with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John.Deer & Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-14 are rejected as being unpatentable over US20020002524, *Kossovsky*, in view of US20060036529, *Williams*, and further in view of US7292994, *Prokoski*.

As to claim 1, 3, 7 and 11, *Kossovsky* discusses:

5 b) deciding a pre-set percentage of said intellectual property stocks for licensing
(At least paragraph 44);

 c) storing the information of said intellectual property assets in a server computer
(At least paragraph(s) 12 and 38);

10 d) receiving orders of said intellectual property stocks in said server computer via
a plurality of client computers from a plurality of buyers and sellers (At least paragraph(s) 52);

 e) executing orders of said intellectual property stocks in said server computer (At
least paragraph(s) 53);

15 *Kossovsky* does not teach dividing intellectual property assets into a predetermined number of intellectual property stocks, however this is recited by *Williams* in at least paragraph 394. It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of *Williams* with those of *Kossovsky* as sorting stocks allows for more organized processing.

20 *Kossovsky* and *Williams* do not disclose calculating the value of the intellectual property assets by multiplying the executed price with the predetermined number in said server computer, however this is described by *Prokoski* in at least column 2, lines 43

and 44, and lines 57 and 58. It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to migrate the recitations of *Prokoski* in combination with those of *Kossovsky* and *Williams* as calculating the value of the intellectual property permits a more accurate final result.

5

Claims 3, 7 and 11, Kossovsky further discusses:

communication means to exchange secured information with said client computers (At least paragraph(s) 13, Claim 1 and Figure 1).

10 b) at least one client computer, operably linked to said server computer and capable of communication therewith, said client computer comprising:

i) means for receiving and storing information of said intellectual property assets (At least paragraph(s) 36-38 and Figure 1);

ii) means for receiving orders from buyers and sellers (At least paragraph(s) 36, 37, 52 and Figure 1);

15 iii) means for forwarding said orders to said server computer (At least paragraph(s) 36, 37, 135 and Figure 2);

As per claim 2, Kossovsky teaches:

20 a) receiving at least a second order of said intellectual property stocks in said server computer via said client computers from a second buyer and a second seller (At least paragraph(s) 52);

b) executing a second order of said intellectual property stocks in said server

computer (At least paragraph(s) 52);

c) calculating the difference of value of said intellectual property assets between said first executed price and second executed price (At least paragraph(s) 10 and 11);
and

5 d) reporting said difference of value to a derivative exchange (at least Figure 4).

With respect to claims 4, 8 and 12, *Kossovsky* recites:

storing and retrieving information and means for storing and receiving information is memory space in said server computer and said client computer respectively (At least paragraph(s) 12 and 38).

10

As per claims 5, 9 and 13, *Kossovsky* teaches:

communications means to exchange secured information with said client computers comprises a physical connection and operating system to operate said physical connection between said server computer and said client computer (At least paragraph(s) 36 and Figure1).

15

As to claims 6, 10 and 14, *Kossovsky* discusses:

receiving information of said intellectual property assets is a client program in said client computers (At least paragraph(s) 16, 17, 37 and 38).

20

Conclusion

The following prior art made of record and not relied upon is considered pertinent to patentee's disclosure:

US20020002523, *Kossovsky et al.*

5 US20020004775, *Kossovsky et al.*

US6405179, *Rebane*

US20030028460, *Kraemer*

US20050010515, *Woltjen*

10 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Niquette whose telephone number is 571-270-3613. The examiner can normally be reached on Monday through Thursday, 5:30 AM to 4:00 PM EDT.

15 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert R. Niquette/
Examiner, AU 3691
9-1-2008

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit 3691